

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

3:07cr54

UNITED STATES OF AMERICA

vs.

MITCHELL GATEWOOD

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ORDER

THIS MATTER is before the Court upon motion of the defendant pro se to dismiss Count Two of the information. (Doc. No. 21).

A motion alleging defects in a prosecution or indictment, except for a jurisdictional defect, must be made prior to trial and within the time period prescribed by the Court. Fed. R. Crim. P. 12(b)(3) (A), (c). Here, the defendant waived all non-jurisdictional issues not reserved in his Plea Agreement on April 5, 2007, when he knowingly and voluntarily waived his right to a trial (Doc. No. 6: Acceptance and Entry of Guilty Plea) and did not file a timely motion.

IT IS THEREFORE ORDERED that the defendant's motion is **DENIED**.

Signed: July 28, 2011



Robert J. Conrad, Jr.
Chief United States District Judge

